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Attorneys for Defendant

DEE J. WHEELWRIGHT, dba CAPITOL  
EXPRESSWAY AUTO MALL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAPITOL EXPRESSWAY AUTO DEALERS'  
ADVERTISING ASSOCIATION, INC.

Plaintiff,

v.

DEE J. WHEELWRIGHT, et al.

Defendant.

Case No. C 07-0456 CRB

**STIPULATION FOR DISMISSAL  
AND ~~PROPOSED~~ ORDER**

1 The parties to this action have executed a Settlement Agreement resolving all claims in the  
2 action. Therefore, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and subject to the  
3 terms and conditions of the Settlement Agreement, IT IS HEREBY STIPULATED by and between  
4 the parties hereto that the above-captioned action be and hereby is dismissed with prejudice, each side  
5 to bear its own attorneys' fees and costs of suit.

6  
7 Dated: February 6, 2008

Respectfully submitted,

9 /s/ Thomas F. Fitzpatrick  
10 THOMAS F. FITZPATRICK  
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1 Dated: February 6, 2008

Respectfully submitted,

2  
3  
4 /s/ Timothy J. Goodson

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19 Attorneys for Defendant  
20 DEE J. WHEELWRIGHT, dba CAPITOL  
21 EXPRESSWAY AUTO MALL

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**GENERAL ORDER 45 ATTESTATION**

18 I, Thomas F. Fitzpatrick, am the ECF User whose ID and password are being used to file the  
19 Stipulation for Dismissal; Order. In compliance with General Order 45, X.B., I hereby attest that  
20 Timothy J. Goodson has concurred in this filing.

~~PROPOSED~~ ORDER

WHEREAS, Plaintiff Capitol Expressway Auto Dealers' Advertising Association, Inc. ("Capitol Expressway") and Defendant Dee J. Wheelwright dba Capitol Expressway Auto Mall ("Wheelwright") have settled their respective claims against each other; and WHEREAS, Capitol Expressway and Wheelwright have agreed to dismiss their claims and other claims for relief against each other with prejudice, with each party bearing its own attorneys' fees, costs and expenses, as stipulated by both parties above; IT IS HEREBY ORDERED AND ADJUDGED, in accordance with Rule 41(a) of the Federal Rules of Civil Procedure, that:

1. The Order of Dismissal dated December 6, 2007 dismissing this case without prejudice is hereby amended.

2. All claims asserted by Capitol Expressway against Wheelwright and all claims, and defenses asserted by Wheelwright against Capitol Expressway in this action are hereby dismissed in their entirety with prejudice.

3. Each party shall bear its own attorneys' fees, costs and expenses.

4. All other relief not provided herein is denied.

IT IS SO ORDERED.

Dated: February 11, 2008

Honorable Charles R. Breyer  
UNITED STATES DISTRICT COURT



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